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09/879,117	06/13/2001	Johan Wanselin	003300-794	3882

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EXAMINER

CHORBAJI, MONZER R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/879,117

Applicant(s)

WANSELIN ET AL.

Examiner

MONZER R. CHORBAJI

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

**This final rejection is in response to the amendment received on 11/04/2005**

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, line 11; applicant added the term "releasable" connection to a sterilant source from the sterilization device. Neither the specification nor the drawing as a whole teaches a releasable connection to a sterilant source.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2; applicant added the "pressure means" feature; however, the disclosure recites pressure means without explaining in the specification or in the drawings what does the pressure means constitute. The examiner is unable to construe

Art Unit: 1744

what does this feature represent. In this action, the examiner will construe "pressure means" to be equivalent to a source of steam.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-2, 5-6, 11-13, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houston et al (U.S.P.N. 5,894,014) in view of Spence (U.S.P.N. 4,919,888).

With respect to claim 1, the Houston reference discloses the following: a sterilization chamber (figure 1: 12), a housing (figure 1:62:60 and unlabeled back panel), pressure means (col.2, lines 51-52) and a display means (figure 7:70). The Houston reference further teaches that the chamber (figure 1:12) includes the following: a front portion (figure 1:unlabeled region in chamber 12 from the front opening to the point where 20 connects with chamber 12) with a front opening (figure 2:32), rear portion (figure 1:unlabeled region in chamber 12 from integral steam inlet, 16, to the point where 22 connects with chamber 12), chamber body portion disposed therebetween (unlabeled region of chamber 12 in figure 1 between frame 20 and frame 22), the sterilization chamber is capable of enclosing goods during a steam sterilization process, the chamber releasably fastened (unlabeled fasteners in frames 20 and 22 in figure 1 connecting the front portion and the rear portion of chamber 12 to the housing) within the sterilization device (figure 1:10 and col.2, lines 56-60) and an inlet integrally formed with the chamber (figure 1:16 and 18). However, the Houston reference fails to teach designing the chamber essentially from a polymeric material. The Spence reference, which is in the art of steam sterilization, teaches that the sterilization chamber has a self-supported structure being essentially made of a polymeric material (col.4, lines 30-36). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the inherent material constituting the

chamber of the Houston reference with polymeric material since such materials are not adversely affected by the sterilant or by the sterilization conditions (the Spence reference, col.4, lines 30-33).

With respect to claims 11-15 and 20, the Houston reference teaches the following: chamber is releasably mountable in the sterilization device (unlabeled fasteners in frames 20 and 22 in figure 1 connecting the front portion and the rear portion of chamber 12 to the housing, figure 1:10 and col.2, lines 56-60), chamber is essentially manufactured in one continuous piece (figure 1:12), integral inlet and outlet formed with the sterilization chamber (figure 1:12, 16 and 18), chamber is closed by a movable sealing chamber door on the sterilization device (figure 2:30 and 32), the device is used for steam sterilization (col.1, lines 45-47), the chamber door is slidably mounted (col.2, lines 61-64), the chamber door is provided with a pair of integrally formed tracks (figure 2:44) such that the tracks and the chamber are capable of being removed simultaneously.

With respect to claims 2 and 5-6, the Houston reference fails to teach the following: chamber is manufactured from an injection-mouldable material, injection-mouldable material essentially is a polyamide material and the chamber is manufactured from a composite material. With regard to claims 2 and 5-6, the Spence reference teaches the following: chamber is manufactured from an injection-mouldable material (col.4, lines 36-37 and line 31), injection-mouldable material essentially is a polyamide material (col.4, lines 36-37 and line 31) and the chamber is manufactured from a composite material (col.4, line 31). Thus, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to substitute the inherent material constituting the chamber of the Houston reference with polymeric material since such materials are not adversely affected by the sterilant or by the sterilization conditions (the Spence reference, col.4, lines 30-33).

With respect to claim 19, the Houston reference teaches that the sterilization chamber is releasably mountable in the sterilization device (unlabeled fasteners in frames 20 and 22 in figure 1 connecting the front portion and the rear portion of chamber 12 to the housing, figure 1:10 and col.2, lines 56-60).

9. Claims 3-4, 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houston et al (U.S.P.N. 5,894,014) in view of Spence (U.S.P.N. 4,919,888) as applied to claims 2 and 6 and further in view of Quehl (U.S.P.N. 4,165,404).

With respect to claims 3-4, 7 and 9, the Houston reference and the Spence reference both fail to teach the following: the use of a reinforcement material such as rowing weave, the use of carbon fiber, a concatenating polymer material such as an epoxy material and the use of a glass fiber rowing weave. However, with regard to claims 3-4, 7 and 9, the Quehl reference teaches the following: the use of a reinforcement material such as rowing weave (col.2, lines 11-14 and line 45) arranged around the injection mouldable material (col.7, lines 24-27 and lines 48-50), and the use of carbon fiber (col.2, line 44) and a concatenating polymer material such as an epoxy material (col.6, lines 10-12), the use of glass fiber (col.2, line 44) and a concatenating polymer material (col.6, lines 10-12). Thus, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the constituting material of the Houston sterilization chamber by including glass or carbon fibers because of their desirable physical properties as shown in the Quehl reference (col.2, lines 47-48).

With respect to claims 8 and 16-18, the Houston reference and the Spence reference both fail to teach the following: the use of a reinforcement material such as rowing weave, the use of carbon fiber and a concatenating polymer material such as an epoxy material. With regard to claims 8 and 16-18, the Quehl reference teaches the following: the use of a reinforcement material such as rowing weave (col.2, lines 11-14 and line 45) arranged around the injection mouldable material (col.7, lines 24-27 and lines 48-50), the use of carbon fiber (col.2, line 44) and a concatenating polymer material such as an epoxy material (col.6, lines 10-12), the use of glass fiber (col.2, line 44) and a concatenating polymer material (col.6, lines 10-12). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the constituting material of the Houston sterilization chamber by including glass or carbon fibers because of their desirable physical properties as shown in the Quehl reference (col.2, lines 47-48).

**10.** Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houston et al (U.S.P.N. 5,894,014) in view of Spence (U.S.P.N. 4,919,888) and Quehl (U.S.P.N. 4,165,404) as applied to claim 9 and further in view of Leimbacher et al (U.S.P.N. 5,837,181).



With respect to claim 10, the Houston reference, the Spence reference and the Quehl reference all fail to teach the use of specific types of concatenating polymers as recited in the claim. However, the Limbacher reference teaches the use of polyvinyl alcohol fibers (col.5, lines 25-26). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Houston sterilization chamber by including polyvinyl alcohol since such a fiber is known to have a high modulus as taught by the Limbacher reference (col.5, lines 25-26).

***Remarks***

11. The amendment submitted on 10/05/2005 with regard to the specification and to the drawing has been accepted.

***Response to Arguments***

12. Applicant's arguments filed on 11/04/2005 have been fully considered but they are not persuasive.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Houston et al (U.S.P.N. 5,249,392) reference discloses a releasably mountable chamber within a sterilization device with a movable sealing chamber. The Hall (U.S.P.N. 5,746,988) reference discloses a sterilization chamber supported in the front and rear portion. The Black (U.S.P.N. 3,717,434) reference discloses a sterilization chamber with a front and rear portions and a sliding door. The Cooper (U.S.P.N. 3,488,142) reference discloses a releasably mountable sterilization chamber supported at the front and rear portions.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

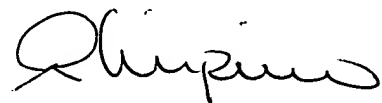
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 6:30-3:00.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD D. CRISPINO can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monzer R. Chorbaji  
Patent Examiner  
AU 1744  
01/16/2006

Handwritten signature of Monzer R. Chorbaji in black ink, consisting of the letters 'MRC' in a stylized, cursive font.Handwritten signature of Richard Crispino in black ink, featuring a large, flowing 'R' and 'C'.

RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700